IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION Nos. 16668, 16669, 16670, 16671, 16672,

21302 and 21303 of 2004

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WRIT PETITION NO : 16668 of 2004

Between:

C.Prabhakaran, S/o Sankaran,
R/o Guntur Road, Ongole, Prakasam District

..... PETITIONER

AND

The Asst. Divisional Engineer, Operation,

Southern Power Distribution Company of AP Ltd.
Ongole, Prakasam District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate Writ of Mandamus or any other writ, order or direction declaring proceedings of the respondent herein in Lr.No.ADE/O/TSD/OGL/F. Shifting of Auto Works (1).No.3256/04, dated 18-08-2004, as illegal, arbitrary and unjust.

WRIT PETITION NO : 16669 of 2004

Between:

S.Jani Basha, s/o Saidha,
R/o Guntur Road, Ongole, Prakasham District.

..... PETITIONER

AND

The Asst. Divisional Engineer, Operation,
Southern Power Distribution Company of AP Limited,

Ongole, Prakasam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate writ of mandamus or any other writ, order or direction declaring proceedings of the respondent herein in Lr.No.ADE/O/TSD/OGL/F. shifting of Auto Works (1) No.3251/04, dated 18-08-2004 as illegal, arbitrary and unjust.

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WRIT PETITION NO : 16670 of 2004

Between:

Shaik Abdul Kalam Azad S/o. Abdullah
R/o. Guntur Road, Ongole Prakasam District.

..... PETITIONER

AND

The Assistant Divisional Engineer Operation
Southern Power Distribution Company of AP.Limited,

Ongole, Prakasam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate writ of mandamus or any other writ, order or direction declaring proceedings of the respondent herein in Lr.No.ADE/O/TSD/OGL/F. Shifting of Auto Works (1) No.3274/04, dated 20.8.2004 as illegal, arbitrary and unjust.

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WRIT PETITION NO : 16671 of 2004

Between:

Shaik Mastan Vali, S/o. Shaik Peer Bude,
R/o. Guntur Road, Ongole, Prakasam District.

..... PETITIONER

AND

The Assistant Divisional Engineer, Operation,
Southern Power Distribution Company of AP Limited,

Ongole, Prakasam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate writ of mandamus or any other writ, order or direction declaring proceedings of the respondent herein in Lr.No. ADE/O/TSD/OGL/F. shifting of Auto Works (1).No.3275/04, dated 20-08-2004, as illegal, arbitrary and unjust.

WRIT PETITION NO : 16672 of 2004

Between:

B.Koteshwara Rao S/o.B.Pullaiah
R/o. Guntur Road, Ongole Prakasam District.

..... PETITIONER

AND

The Asst. Divisional Engineer, Operation,
Southern Power Distribution Company of AP.Limited,

Ongole, Prakasam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate writ of mandamus or any other writ, order or direction declaring proceedings of the respondent herein in Lr.No.ADE/O/TSD/OGL/F. Shifting of Auto Works (1) No.3314/04, dated 20.8.2004 as illegal, arbitrary and unjust.

WRIT PETITION NO : 21302 of 2004

Between:

M.D. Baig, S/o. M. Imam Baig,
R/o. Guntur Road, Ongole, Prakasam District.

..... PETITIONER

AND

The Assistant Divisional Engineer, Operation,

Southern Power Distribution Company of
AP Limited, Ongole, Prakasam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate Writ of Mandamus or any other writ, order or direction declaring proceedings of the respondent herein in Lr.No.ADE/O/TSD/OGL/F. shifting of Auto Works (1) No. 3305/04, dated 20-08-2004 , as illegal, arbitrary and unjust.

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WRIT PETITION NO : 21303 of 2004

Between:

B.Venu Gopal S/o.Subba Rao
R/o.Guntur Road, Ongole, Prakasam District.

..... PETITIONER

AND

The Asst. Divisional Engineer Operation,

Southern Power Distribution

Company of AP Limited, Ongole,

Prakasam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate writ of mandamus or any other writ, order or direction declaring proceedings of the respondent herein in Lr.No.ADE/O/TSD/OGL/F. Shifting of Auto Works (1) No.3328/04 dated 20.8.2004 as illegal, arbitrary and unjust.

Counsel for the Petitioners : MR.M.V.S.SURESH KUMAR

Counsel for the Respondent : SMT.M.VINOBHA DEVI (Standing Counsel for APSEB)

The Court made the following :

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COMMON ORDER:

In these writ petitions, the notices issued by the Assistant Divisional Engineer, Operation : Town Sub-Division, APSPDCL, Ongole, are challenged by the respective consumers.

The petitioners established workshops connected with automobile industry at various places in the Ongole town. The Municipal Committee appears to have established an Auto Nagar for locating all the industries and units connected with automobile activity. Since some of the workshops and other units have been functioning in various parts of the town, the District Collector addressed a letter to

the electricity authorities to disconnect the power supply, as a measure to convince or force the units, functioning within the town, to shift to Auto Nagar. Acting on the letters, dated 29.01.2004 and 20.07.2004, addressed by the District Collector, the Assistant Divisional Engineer, issued notices intimating the petitioners that the power supply to their respective units would be disconnected within seven days without issuing any further notice.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondent.

The respondent, who is common to all the writ petitions, had issued intimations to the petitioners proposing to disconnect the power supply. The sole basis for the proposed action is the communication received by him from the District Collector. It needs to be observed that the power supply by the respondent to various consumers is governed by the terms and conditions of supply. It is always competent for the respondent to disconnect the power supply, if any conditions are violated, or it becomes incompatible to continue the supply, on account of any developments or change of circumstances. However, before resorting to the extreme step of disconnecting the supply, the consumer is entitled to be informed of the basis for such action. The impugned proceedings do not refer to any conditions of supply or violation of the same. It may be true that the District Collector addressed letters for taking appropriate action with a view to persuade or pressurize the petitioners to shift to Auto Nagar. Whatever be the justification in taking the action, the petitioners are entitled to be put on notice and intimated the reasons therefor. It is only, on consideration of representations that may be made by them, that a final step can be taken. On this short ground, the writ petitions are liable to be allowed.

The impugned letters proposing to disconnect the power supply to the petitioners are set aside. If the disconnection has already been effected, the power supply shall be restored forthwith. It is, however, made clear that it shall be open to the respondent to issue notice to the petitioners intimating the reasons to them, on the basis of which they propose to disconnect the power supply. The petitioners shall be entitled to submit their replies on receipt of such notice, and any final step shall be taken only after consideration of the replies.

The writ petitions are accordingly allowed. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Date: 22nd November, 2004

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To

1 The Assistant Divisional Engineer, Operation,

Southern Power Distribution Company of
AP Limited, Ongole, Prakasam District.

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